

1 SULLIVAN, HILL, LEWIN, REZ & ENGEL
2 A Professional Law Corporation
3 Donald G. Rez, SBN 82615
4 550 West "C" Street, Suite 1500
5 San Diego, California 92101
6 Telephone: (619) 233-4100
7 Facsimile: (619) 231-4372

5 CHAMBERLAIN, HRDLICKA, WHITE, WILLIAMS & MARTIN
William S. Helfand
6 Ryan O. Cantrell
1200 Smith Street, Suite 1400
7 Houston, TX 77002
Telephone: (713) 658-2536
8 Facsimile: (713) 658-2553

Attorneys for Defendant City of Galveston

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

14 MICHAEL FOX,)
15 Plaintiff,)
16 v.)
17 GALVESTON POLICE DEPARTMENT,)
18 "GALVESTON POLICE OFFICER.)
19 S. BREWER ID #378-OR-398, ANY AND)
20 ALL OTHER POLICE OFFICERS AND)
DETECTIVES, AND OTHER)
EMPLOYEES OF THE GALVESTON)
POLICE FORCE CURRENTLY NOT)
KNOWN")
21 Defendants.)
Case No. 07CV2388 DMS (POR)
**CITY OF GALVESTON POLICE
DEPARTMENT'S NOTICE OF
MOTION AND MOTION TO
DISMISS FOR LACK OF
PERSONAL JURISDICTION**
Date: July 18, 2008
Time: 1:30 p.m.
Ctrm: 10 (2nd Floor)
Judge: Hon. Dana M. Sabraw
Complaint Filed: December 20, 2007

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

24 PLEASE TAKE NOTICE that on July 18, 2008 at 1:30 p.m., or as soon thereafter as this
25 matter may be heard in the United States District Court, Southern District, Courtroom 10, 2nd Floor,
26 before The Honorable Dana M. Sabraw, Defendant City of Galveston Police Department will move
27 the Court to dismiss Plaintiff's Complaint pursuant to Federal Rules of Civil Procedure,
28 Rule 12(b)(2).

1 Defendants' Motion is based on the fact that these Defendants are not subject to personal
2 jurisdiction in this Court nor have they consented to the jurisdiction of a California court.

3 This Motion will be based on this Notice of Motion and Motion, the Memorandum of Points
4 and Authorities and request for judicial notice the Court file and on all pleadings and evidence that
5 may be presented upon the hearing in this matter.

6 *Respectfully submitted,*

7 Dated: June 16, 2008

CHAMBERLAIN, HRDLICKA, WHITE, WILLIAMS &
8 MARTIN

9 AND

10 SULLIVAN, HILL, LEWIN, REZ & ENGEL
A Professional Law Corporation

11 By: /s/ Donald G. Rez

12 Donald G. Rez
13 Attorneys for Defendant
14 City of Galveston